

EXHIBIT N

U.S. Department of
Homeland Security

United States
Coast Guard



Office of the Administrative
Law Judge
United States Coast Guard

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5720
November 26, 2012

Mr. Anthony Eliseuson
SNR Denton US LLP
223 South Wacker Drive
Suite 7800
Chicago, IL 60606

RE: DHS FOIA APPEAL A-12-0101

Dear Mr. Eliseuson:

This letter is in response to your Freedom of Information Act (FOIA) appeal regarding the Department of Homeland Security (DHS) Privacy Office's May 16, 2012 Final Response to your FOIA request PRIV 11-1242. Specifically you are appealing "that an adequate search for responsive records was performed" and that the "application of (b)(6) was improper."

Your initial request received the Department of Homeland Security Privacy Office on or about September 1, 2011. That office determined that if responsive records existed, they would be under the purview of other DHS component Agencies. The Privacy Office forwarded your request to each of those Agencies. The Privacy Office further informed you that it would "search the DHS Executive Secretariat for any responsive records." Please note that this letter only responds to the Privacy Office's search and response and not to any of the other DHS component Agencies to which your request was sent.

In your initial request made twenty six (26) enumerated requests, many with several sub-parts. Your extensive request will not be reiterated here, however, in general, you sought documents related to Tier III terrorist organizations.

In its Final Response the Privacy Office stated that it searched the Executive Secretariat for records responsive to your request. The Agency found thirty three (33) pages. The Agency released twenty eight (28) of those pages in their entirety and partially redacted five (5) pages pursuant to FOIA Exemption (b)(6).

Pursuant to a memorandum of agreement, the United States Coast Guard Office of the Chief Administrative Law Judge is reviewing the FOIA appeals for the Department of Homeland Security General Counsel. Therefore, the Office of the Chief Administrative Law Judge will be rendering the official appeal decision on behalf of the Department of Homeland Security.

After a thorough review of your appeal and all applicable documents, the Agency's decision is being remanded. The Agency is required to conduct a "reasonable search" pursuant to 5 U.S.C. § 552(a)(3). The undersigned attorney is unable to determine from

the record whether a reasonable search was conducted by the Privacy Office. The file is therefore being remanded back to that Agency for further explanation and clarification as to how the search was conducted.

Sincerely,

A handwritten signature in black ink, appearing to read "Timothy A. O'Connell". The signature is fluid and cursive, with the first name "Timothy" and last name "O'Connell" clearly distinguishable.

TIMOTHY A. O'CONNELL
Attorney Advisor
United States Coast Guard

Copy : FOIA Officer, DHS Privacy Office

Sent: Via first class mail to the above address.